

Rule 803(23). Records of medical diagnostic or treatment tests or procedures. A written, graphic, numerical, symbolic or pictorial representation of the results of a medical diagnostic or treatment procedure or test for which foundation has been established pursuant to Rule 904, unless the source of the record or the method or circumstances of preparation indicate lack of trustworthiness. Provided, however, that a record specifically excluded from the Rule 803(8) exception to the hearsay rule, as provided in rule 803(8) (A) – (D), shall also be excluded from this exception.

Rule 904. Written, graphic, numerical, symbolic or pictorial representations of medical or diagnostic or treatment tests or procedures.

The requirement of authentication or identification as a condition precedent to admissibility of written, graphic, numerical, symbolic or pictorial representation of the results of a medical or diagnostic or treatment procedure or test prepared for purposes of diagnosis or treatment and written or produced by the person or entity who conducted the procedure or test, is satisfied by a showing that

- (1) the proposed exhibit contains: the name of the originating practitioner, medical facility or laboratory; the name of the patient; the date when the procedure or test was performed; and such additional identifying information as is customarily provided by the originating practitioner, medical facility, or laboratory; and
- (2) at least ten days before the date of the trial of the action, or by such other time limit as may be established by a pretrial order,
 - (a) the proposed exhibit was received or examined by the party or parties against whom it is being offered; and
 - (b) the party intending to offer such graphic, numerical, symbolic or pictorial representation as a proposed exhibit served upon the party or parties against whom said proposed exhibit is to be offered, a notice of intention to offer such proposed exhibit in evidence during the trial.

Nothing contained in this rule, however, shall prohibit the admissibility of a written, graphic, numerical, symbolic or pictorial representation in evidence where otherwise admissible.